

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:16-CV-489-CWR-RHWR**

**HINDS COUNTY, ET AL.**

**DEFENDANTS**

**URGENT AND NECESSITOUS UNOPPOSED MOTION TO CONTINUE  
EVIDENTIARY HEARING SET FOR JULY 12, 2022**

Defendants Hinds County, Mississippi, and Sheriff Tyree Jones, in his official capacity (collectively, “the County”), respectfully submit this urgent and necessitous motion to continue the evidentiary hearing set for July 12, 2022:

1. On June 21, 2022, the Court set the County’s Motion for Reconsideration (ECF 165) for an evidentiary hearing on July 12, 2022.

2. District courts have “exceedingly wide” discretion in making scheduling decisions, including whether a continuance should be granted. *SCF Waxler Marine, LLC v. Aris T M/V*, 24 F.4th 458, 475 (5th Cir. 2022) (citation omitted).

3. The Court should exercise its discretion to continue the evidentiary hearing scheduled for July 12 because of the unavailability on that day of attorneys representing the County. In particular, on July 12 Nick Morisani’s wife is having surgery. That same day and because Mr. Morisani is not available, Jim Shelton is joining out-of-state expert consultants for a facility inspection in a separate matter, and it would be exceedingly difficult to timely reschedule the inspection at this point. For these reasons, the County respectfully requests that the evidentiary hearing set for July 12 be continued to a date mutually convenient for the Court and the Parties.

4. The County conferred with the United States as required by the Local Rules,<sup>1</sup> and the United States does not oppose this Motion. However, the United States asks that the Court set the evidentiary hearing for the earliest possible alternate date.

5. The County requests that the Local Rules' requirement of a separate memorandum be waived.

Dated: June 23, 2022.

Respectfully submitted,

**PHELPS DUNBAR, LLP**

BY: /s/ Nicholas F. Morisani

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**ATTORNEYS FOR DEFENDANTS**

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<sup>1</sup> In conferring with the United States on June 23, undersigned counsel and counsel for the United States also discussed the prospect of a status conference that could be used to discuss with the Court the scope of the evidentiary hearing on the [171] Motion for Reconsideration, and the Parties agree that such a conference would be beneficial to the Parties and the Court prior to the evidentiary hearing so that the Parties may adequately prepare for that hearing.

**CERTIFICATE OF SERVICE**

I certify that on June 23, 2022, I had this URGENT AND NECESSITOUS MOTION electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ Nicholas F. Morisani

Nicholas F. Morisani